

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID MAGEE, )  
Plaintiff, )  
 )  
v. )  
 )  
F/V IT AIN'T EASY )  
and )  
GRACE FISHING, INC. )  
Defendants. )

CIVIL ACTION NO. 04-11215-RCL

**DEFENDANTS' UNOPPOSED MOTION TO CONTINUE**

Now come the defendants and respectfully move to continue the trial in this case, which is presently scheduled for July 17, 2006. As grounds therefore, the defendants' attorney refers the Court to Exhibit A, which is a copy of an invitation which counsel received shortly after the trial date was set. According to the invitation, counsel is requested by one of its significant clients, Starbucks Coffee Company, to attend a forum in Seattle on Thursday, July 20, and Friday, July 21. In order to attend, counsel would have to leave on July 19, 2006 at the latest.

Starbucks is a valued client to counsel and no one else can go in Mr. Regan's place. Mr. Regan serves as litigation counsel for Starbucks Coffee Company in both Massachusetts and Rhode Island, handling all of their litigation in those states. Accordingly, Mr. Regan's appearance at this forum is extremely important to the business of the firm. Starbucks is asking that all of its litigation counsel throughout the

country attend. Accordingly, it is impossible to reschedule.

Mr. Regan has discussed this matter with the plaintiff's attorney, who does not oppose this motion. We have jointly examined our schedules and suggest the date of July 31, 2006, as the new trial date, always assuming that this fits with the Court's schedule. Mr. Regan is then on vacation the week of August 7, and the next available suggested date for trial would then be Monday, August 14, 2006, again assuming that this fits with the Court's schedule. During the week of the 14<sup>th</sup>, Mr. Regan has to leave on Friday morning, the 18<sup>th</sup>, for a wedding in the Washington, D.C. area, so he would only be available for trial four days that week. It is anticipated that we could finish the trial that week, but if we didn't, we ask that the Court not hold a session on Friday, August 18, 2006, but pick up the case again on Monday, August 21, 2006. Mr. Regan has to fly to Chicago to move his son into Loyola University on Wednesday, August 23 and Thursday, August 24. Lastly, Mr. Regan is free the entire week of August 28<sup>th</sup>.

Counsel has not made airline or hotel reservations yet, but does request that the Court act on this motion at the earliest opportunity. If the Court is inclined to grant the continuance, counsel needs as much time as possible to make his arrangements for the trip to Seattle.

Lastly, if none of these dates work, counsel suggests that the Court, if it is otherwise inclined, at least grant the continuance and schedule a time for counsel to come in to the Court to discuss an alternative date.

Accordingly, the defendants respectively request that the Court grant its motion for a continuance.

For the Defendants,  
By its attorneys,

**REGAN & KIELY LLP**

/s/ Joseph A. Regan

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